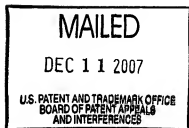


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DAREL N. EMMOT,  
BYRON A. ALCORN and RONALD D. LARSON

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Application 10/644,215

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on December 10, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that while the Examiner's Answer mailed November 21, 2006, lists Nelson (U.S. Patent No. 6,801,202) and Spencer (U.S. Patent No. 6,311,247), on page 2

under the caption (8) Evidence Relied Upon,” the claim rejections are listed as follows:

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (6,801,202 hereinafter “Nelson”) in view of Spencer (6,311,247) [page 3]; and

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (6,801,202 hereinafter “Nelson”) and Spencer (6,311,247) as applied to claims 7 and 15 above, and further in view of Ebihara et al (6,924,807 hereinafter “Ebihara”) [page 5].

The Examiner’s Answer mailed November 21, 2006 is deficient because the “Evidence Relied Upon” section does not include the Ebihara reference.

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) for submission of a PTOL-90 which corrects the “Evidence Relied Upon” section; and

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: Patrick J. Nolan  
PATRICK J. NOLAN  
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PJN:psb

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